



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MAERTENS et al

Atty. Ref.: **2752-24**

Serial No. **09/686,964**

Group: **1648**

Filed: **October 12, 2000**

Examiner: **Hill**

For: **IMPROVED IMMUNODIAGNOSTIC ASSAYS USING
REDUCING AGENTS**

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Due: July 2, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE

Responsive to the Official Action dated May 31, 2002, the applicants elect, with traverse and to be responsive only, the sequence of SEQ ID NO:18, for initial examination. The elected sequence is an HCV NS3 sequence.

The Examiner's comment on page 2 of the Office Action dated May 31, 2002, regarding the election of a single sequence in the event the subject matter of Groups IV-IX is elected is not understood as the applicants elected the subject matter of Group I in the Amendment of March 13, 2002. To the extent the Examiner believes the pending claims read on non-elected subject matter, the Examiner should withdraw that allegedly non-elected subject matter from consideration and examine the elected subject matter. The applicants again submit that the original restriction requirement did not appear to require an election of a single sequence in the event the subject matter of Group I was elected. The applicants elected the subject matter of Group I and further election of a

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single sequence should not be required. Clarification in this regard is requested, along with a new Action with the date reset from the mail date of the same, in the event the Examiner's restriction requirement is altered. .

In the event the Examiner further requires an elected sequences within the elected Group I, the Examiner is requested to examine at least ten sequences, pursuant to the Commissioner's Notice dated October 17, 1996 and published in the OG on November 19, 1996. The applicants elect the following ten sequences: SEQ ID NOs: 5-9 and 14-18. Examination of at least ten sequences is requested as to examine less places an undue burden on the applicants to file and prosecute multiple applications. Furthermore, the claims reciting specific HCV NS3 SEQ ID NOs are dependent on a generic claim. Therefore, if the generic claim would be found allowable, the Examiner will necessarily have considered and examined the specific elected and non-elected sequences (i.e., SEQ ID NOs: 1-4 and 10-13 (or SEQ ID NOs: 1-17 in case only a single sequence were to be examined).

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An early and favorable Action on the merits of the elected invention is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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